TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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RICHARD L. SEEGEL, CHAIRMAN J. RANDOLPH BECKER, VICE CHAIRMAN DAVID G. SHEFFIELD LENORE R. MAHONEY EXECUTIVE SECRETARY TELEPHONE (781) 431-1019 EXT. 2208 ROBERT W. LEVY WALTER B. ADAMS DEREK B. REDGATE

December 21, 2017

Juliani Meeting Room Town Hall

Zoning Board of Appeals Members Present: Richard L. Seegel, Chairman

J. Randolph Becker Walter B. Adams

ZBA 2017-99, DELANSON REALTY PARTNERS, LLC, 8 DELANSON CIRCLE

Also present at the hearing were Thomas Harrington, Esq. and Christopher Heep, Esq., Wellesley Town Counsel.

Presenting the case that the hearing was Bob Engler, SEB, 40B Consultant, who said that he has been in business for 47 years working on these types of developments. He said that he is happy to work with this team and hopes to answer any questions that come up. He said that they fully expect that, not only will there be other hearings, there will be peer review consultants retained that the Applicant's consultants will work with. He said that the Applicant's Traffic Consultant could not be here tonight but they expect that the Board will want to have a whole meeting on another night to spend with the Traffic Consultant and the peer review consultant to go over issues. He said that the plan is to just give an overview tonight. He said that the Applicant will listen to the Board's requests and escrow funds as the Board desires.

Victor Sheen, said that he is one of the development partners that is organized under Delanson Realty Partners, that consists of a number of general partners and a few investment partners. He said that his background is primarily residential. He said that he was trained as an Architect and worked for I.M. Pei in New York for seven years before going back to Graduate School to study Finance. He said that after he graduated from MIT, he worked for the Mullins Company, that was primarily an affordable housing developer in Massachusetts. He said that his background is in affordable housing, although, in the past few years he has been engaged in more for sale projects in Boston and Brookline. He said that they recently completed a 40B project in Brookline that was very successful in terms of the process. He said that they were able to work hand in hand with the neighborhood as well as the town planners, engineers and peer review consultants to come up with a proposal that was well received. He said that they were able to get a 40B Comprehensive Permit without any appeals. He said that speaks volumes about how they approach the permitting process in that they do not want to stiff arm the neighborhood or the various boards or consultants. He said that they elect to work cooperatively with the town and hopefully come up with a project that would be appropriate for the neighborhood and be financially feasible for the Applicant to move forward.

Mr. Sheen said that he is the Development Manager for the project. He said that Bob Engler is the 40B Consultant, Dartagnan Brown, Architect, EMBARC Studio is in charge of the design, and Brad McKenzie, Civil Engineering, McKenzie Engineering Group, Norwell, has also worked on other 40B projects include the recently completed 40B project in Brookline. He said that they engaged Vanasse & Associates to help through the process. He said that they submitted a preliminary study to the Board. He said that Vanasse can work with the Town's peer review consultant and then come back for a more comprehensive review. He said that they have engaged Blair Hines, Landscape Architect, Blair Hines Design Associates, who have done a number of projects with the Appliant as well as EMBARC Studios in some of the higher end products in and around the Boston and Brookline areas. He said that Harry Wetherbee, P.E., will be the Geotechnical Consultant, who has done some preliminary geotechnical surveys for the Applicant, and he will be available at the appropriate time. He said that Legal Counsel will be Todd, Whilton, Esq., Eckert Seamans Cherin & Mellott, LLC, Boston. He said that the Applicant will default to Mr. Engler for some of the high level permitting guidelines in terms of 40B's. He said that they will bring in additional consultants for specific conditions and to work with the Town in finalizing and discussing the conditions.

Mr. Brown said that when they worked on the project on Harvard Street in Brookline, they personally spent a lot of time working with all of the abutters. He said that they molded the building to reflect the input that they got with the abutters. He said that they sat in people's living rooms, looked at the shadows, and manipulated the façade. He said that they hope to work with that process here with the goal of going before the Zoning Board with neighborhood support. He said that the plan is to come back before the Board to discuss larger topics later.

Mr. Brown said that the site is a combination of five parcels of land off of Linden Street with Hollis as a cross street. He said that it is located across from the lot that serves the Wellesley Square T Line, and is in close proximity to the Linden Square shopping plaza,

Mr. Brown said that the Delanson parcel is made up of five pieces that come together for 61,000 square feet. He said that they believe that the site is prime for a 40B. He said that it is far from a flat site, so they will work with it to minimize the impact.

Mr. Brown displayed slides of development in the vicinity of the site and described the neighborhood. He said that the existing homes on the site are older. He said that the plan is to clear the site. He displayed an aerial view of the site. He said that there is a rise in grade from Linden Street to the rear of the property. He said that the residences behind the site are approximately 34 to 40 feet higher than the corner of Linden and Hollis Streets. He said that the plan is to excavate to put in parking so that they will not add to the overall height of the building. He said that they are proposing a 1.1 ratio. He said that for every unit that they have, there will be 1.1 spots available. He said that all of that will be tucked in the underside of Delanson. He said that above that will be four levels of residential that will be eight to nine feet lower than the abutting residential properties. He said that their goal is to respect the visual sight lines by having a building that is no taller than an existing building on the site. He said that the original plan had another story but after initial feedback from the architect peer review, it was removed before presenting to the Town.

Mr. Brown discussed the entry courtyard. He said that there will be a lobby as a greeting area for the residences. He said that after hearing from the Town, they will not disturb the existing grade and trees at the courtyard level. He said that a clubhouse that was shown on the original plan was removed to preserve landscaping. He said that there will be a lot of landscape details so that there is not a sharp drop off. He said that there will be terracing at the back for more a more natural grade change.

Mr. Brown said that there will be over 44 feet from the edge of the building to the closest adjacent house. He said that they will maintain a minimum of 20 to 25 feet at the front to allow for lush landscaping and ample sidewalks. He said that they will be 68 feet away from a house on the corner and the house that is furthest away will be 109 feet. He said that they initially had other designs that pushed up further and higher up but the goal was to do their best to pull the development away from the surrounding residential homes.

Mr. Brown said that over half of the site will be open space and landscaped area. He said that the parking itself will all be below grade. He said that the plan is to come off of Hollis to 100 parking spaces. He said that there will be spaces that are fully handicapped van accessible. He said that entry to the building will be by elevator to the lobby. He said that they are planning for trash and bicycle rooms at the lowest level. —

Mr. Brown said that coming off of Linden Street will be access to the lobby, community space, and the courtyard. He said that there is a section of grading that they would like to keep existing.

Mr. Brown said that on the second, third and fourth floor will be a mix of one, two and three bedrooms. He said that the one bedrooms will range from 625 to 850 square feet, the two bedrooms will be in the 1,100 square foot range, and the three bedrooms are approximately 1,200 square feet with a few variations to that size.

Mr. Brown said that there is an existing structure that they had previously considered keeping as a clubhouse. He said that the site will be designed to preserve the visual integrity for the existing residences looking out from Oakencroft Road.

Mr. Brown displayed a rendering to scale of the proposed structure. He said that early on, the idea was to break up the massing and volume with bays and cornices. He said that they thought of starting with Belclare's fenestration and details as an example for this layout.

Mr. Brown said that the idea is to maintain the existing landscaping at the top. He said that there will be will be planting and screening all through the site.

Mr. Brown said that they will work with the Fire Department regarding getting a fire truck up to service sections of the building. He said that part of that has help to shape the building to where they have it today.

Mr. Brown described dropped retaining walls that could be planted heavily. He said that they will work with existing grade to create outdoor space and use it to maintain the existing landscaping at the top of the site. He said that the Applicant will bring the civil engineer back to speak more about that. He said that they will meet the town standards for drainage runoff, discharge and how utilities will be handled. He displayed plans showing the recharge chambers.

Mr. Engler said that civil discussion and traffic will be coming before the Board at a later hearing. He asked how the Board would like to proceed in terms of scheduling. Mr. Seegel said that he had list of things that the Board needs. He said that the Board generally likes to receive materials 10 days before each meeting to give the staff a chance to review it. He said that the Board has tentatively scheduled the next meeting for January 18, 2018. Mr. Engler said that they can look at the list and email the Board to let it know what materials they can come back with by January 8th. He confirmed that the Board would like to see as much as possible and then go from there. Mr. Seegel asked that the Applicant let the Board know if they cannot get materials ready for a meeting on the 18th because it is difficult to reserve meeting space.

Mr. Sheen asked if it is the Town's intention to engage peer reviewers. Mr. Seegel said that the Town intends to engage peer reviewers for traffic, architectural and possibly environmental. He asked that the Applicant make a \$10,000 deposit to the town. He said that the Board will probably need to engage a Transportation Engineer to review the traffic and an architect as well. He said that those are people that the town does not have on staff. Mr. Engler said that, under the guidelines, the Applicant would like to see who the town choses so that they can comment on them. He said that the Applicant has a very limited ability to object but they would still like to see who the town selects. Mr. Seegel said that the Board has to go through the normal procurement procedures.

Mr. Seegel said that he would allow four to five members of the audience to make a few comments. He said that he was just looking to get a feel from the neighbors about the project. He said that the Board has not seen much about what the project will be.

Lewis Collins, 14 Summit Road, said that he, MaryJane Kubler and Anne Marie Towle are representing the College Heights Association, which is a group of approximately 40 homeowners and abutters who live in the area. He said that he lives approximately 200 feet north of the proposed development. He said that he has lived in town for about 20 years and loves living here. He said that members of the Association have some concerns. He said that the members are for affordable housing in Wellesley. He said that the town is below the 10 percent level. He said that they welcome economic and social diversity that that presents. He said that they are for affordable housing on Delanson Circle if it is done right. He said that they are against the current proposal in the form it was presented. He said that they think that it is wildly out of proportion with the neighborhood and it presents environmental and safety concerns. He said that one lifelong resident commented that it was the single worst idea that he had ever seen in this town. He said that the area currently has five houses with approximately 20 bedrooms. He said that the proposal is to go to up to 150 bedrooms, which is quite a large increase. He said that he appreciated Mr. Sheen's comment that he did not want to stiff arm the neighbors. He said that the first proposal for 95 sure felt like a stiff arm. He said that the revised proposal for 90 units felt like a stiff arm too. He said that things are not off to a good start from this standpoint. He said that the Association has funding for legal counsel who will review the materials. He said that the ZBA has six months for a lot of work to do in a short amount of time. He said that he appreciated the Chairman's comments about process and timely submittal of documents so that everyone has a chance to review them. He said that the ZBA's due diligence is key here. He urged the Board to hire an independent expert consultant through the Town's normal procurement processes. He said that affordable is a worthy and necessary goal but only if it is done in a right sized way that is reflective of good design principles and is reasonable and safe for the Town, the existing neighbors and the new neighbors who will come to the Town via this project. He said that the Association is concerned that this proposal is asking the ZBA to disregard everything else under the guise of affordable housing and 40B. He said that the Association is concerned that this is for the profit of the Developer who wants to exploit the town.

MaryJane Kubler, 95 Crest Road, said that she has been a resident for almost 20 years. She said that she was speaking on behalf of a newly formed College Heights Neighborhood Association. She said that the group is comprised of a group of neighbors with diverse backgrounds. She said that some of them are new to Wellesley, some have lived here their whole lives, some have young school aged children, some have grandchildren and some are still putting children through college. She said that they different points of departure but they have shared values which they have understood by talking with one another. She said that the group shares an abiding commitment to affordable housing. She said that they fully support the Town's efforts to complete a Comprehensive Housing Plan as soon as possible and determine the best sites to offer more diversity in housing, given the limited space of land

in town to do so. She said that they overwhelmingly support affordable housing units in any Delanson Circle project. She said that the members share a passionate interest in maintaining the scale, the pedestrian safety and the feel of their quirky neighborhood. She said that they share a belief in a thoughtful and transparent municipal decision making process, which is a hallmark of the Town of Wellesley. She said that they share an abiding commitment to appropriate and respectful citizen participation in every step of this process. She said that Mr. Collins made a number of points about the project that she would like to illuminate.

Ms. Kubler said that the College Heights area is defined as the area that is nestled between the Fells and Wellesley Square. She said that a good portion of the homes were built in the late 19th century, many of which have historic designations as they are over 100 years old. She said that her house was built in 1904. She said that the area is where many of the faculty and students of Wellesley College made their homes during the early years of that institution. She said that they all feel incredibly grateful to enjoy such close proximity to the college. She said that the more recent wave of buildings in the neighborhood was mainly in the 1920's and 1930's. She said that they have an eclectic housing stock in College Heights. She said that overall the homes are of modest size and scale. She said that thanks to Zoning regulations, even with their fair share of teardowns and renovations, the neighborhood character has remained intact, quirky, interesting, modest, diverse.

Ms. Kubler said that the size, scale and density of the proposed project is materially incongruous with the surrounding neighborhood. She said that these issues have been raised throughout the process since it began with the initial application in June. She said that the Association is hoping that a thoughtful response will be forthcoming. She said that she was delighted to hear from Mr. Brown that the Applicant worked with other neighborhoods.

Ms. Kubler said that the Association is concerned about significant issues with public safety, including access for emergency vehicles onto the site, pedestrian safety, and emergency parking for vehicles on the site. She said that they are real issues where they ask the ZBA to extend its usual diligence to its outer limits because nothing short of the safety of future residents is at stake here.

Ms. Kubler said that the Association is concerned about the environmental impact of a project of this scale in the proposed location which sits entirely on ledge. She said that there are already documented issue with stormwater drainage. She said that they are concerned about the impact on the sewage system. She respectfully requested that fully independent and deeply qualified engineer and geological studies are conducted to support ZBA's deliberations.

Ms. Kubler said that concerns about the traffic impacts are widespread and considerable. She respectfully requested that a comprehensive independent study be conducted during normative period of traffic, which would be Monday through Friday between 7:30 am and 6:30 pm when the schools are fully in session and commuter traffic is also fully incorporated.

Ms. Kubler said that she does not drive because of medical reasons. She said that she likely the most experienced pedestrian in the room and possibly in the Town of Wellesley. She said that she walks everywhere. She said that she walks on Linden Street almost every day. She said that she is already deeply concerned about traffic on Linden Street. She said that she is a keen observer and she watches the sidewalk and road conditions daily. She said that the impact of a project of this size is a deep concern. She said that the traffic volume and regulation is already approaching a near crisis. She said that she regularly sees near accidents and she herself has been almost hit by a car 10 times. She implored the Board to keep this in mind as they conduct the studies. She said that she hopes that the ZBA will consider with great care the project application, its overall size and its density and that the

consideration any requested waivers of Zoning requirements will never be far removed from the context of their very special College Heights.

Anne Marie Towle, 7 Oakencroft Road, asked that Slide #8 from the Applicant's presentation be displayed. She said that it depicts her house as being able to fit inside the proposed building around three times. She said that her house is a 2,300 square foot Cape that would fit inside the proposed building over 57 times. She said that her neighbors' houses on Crest Road that back up to the site are the same size as hers, with possibly one smaller. She said that they are concerned about the size and density of the proposed building.

Ms. Towle said that the she is speaking for herself and three neighbors on Crest Road. She said that her house is 25 feet from the property line and the other houses are 20 feet from the property line. She said that she appreciates that the Developer and the Architect made some changes to reduce the height of the building. She said that her house is 30 feet above the site. She said that it currently looks down over landscape, the very small house to the right and a very small house to the left, through to the Tailby Lot to Washington Street and the Congregational Church and beyond. She said that if the building is built, she and her neighbors on Crest Road will look at the building or air conditioning units on top of the building. She said that it will be a significant change for them.

Ms. Towle said that the houses that are on the property now do not look directly into her house. She said that there will now be a number of apartment units looking into their living and bedrooms. She said that the privacy loss will be enormous.

Ms. Towle said that shadow effects are always an issue with large projects. She said that it will probably have a greater impact for the people on Hollis Street given the topography of the land. She said that she hopes that will be taken into consideration for the abutters.

Ms. Towle said that there is another issue with noise. She said that she appreciates the open space that has been retained in the back. She said that the Architect said that 50 percent of the land will be retained as open space but from the documents that have been filed so far and available before tonight, it is a 23 percent loss of open space from what is there now. She said that the open space will be for community use. She said that the building will have 90 units with 155 bedrooms and that will be a lot of people for social gatherings in a community space and the noise could significantly impact those of them who will be looking out onto it.

Ms. Towle said that another concern is lighting from the building. She said that the specifications that were filed said that this would not be an issue and that it would be dark sky compliant. She said that, from a building that size and a safety perspective, there has to be outdoor lighting. She said that there will be 90 units and people living in them with their lights on. She said that the light pollution and lights shining into the neighbors' windows is also a consideration.

Ms. Towle said that there will be impacts from the construction. She said that the land is ledge and the houses are built on ledge. She said that her house only has half of a basement because of rock ledge that cannot be removed. She said that the specifications that there filed say no ledge removal will be necessary. She said that when there is drilling in the ledge, all of the neighbors who live around the site are concerned about the structural safety of their homes, the noise that it will create and the amount of noise from the construction. She said that this will be enormous project, will take a long time and will have an enormous impact on the neighbors who live around it.

Mr. Seegel asked if Mr. Collins, Ms. Kubler and Ms. Towle will speak on behalf of the College Height Association at future meetings. Ms. Kubler said that the they were the panel that was selected for

tonight because they represented a range of perspectives. She said that she and Mr. Collins are not abutters. She said that the Association wanted the Board to know that, although the members have different perspectives, the group is completely speaking as one on the set of issues that they presented tonight. Mr. Seegel said that the Board's time is limited. He asked that speakers not be repetitive. Ms. Kubler said that the Association will coordinate.

<u>Jane Andrews, 21 Westerly Street</u>, said that she lives in a condominium complex at the top of Hollis Street. She said that her group, with several members present at the hearing, see this project from the other side. She said that one of the biggest concerns for them is traffic. She said that it is almost inconceivable to imagine 50 more cars parked off of Hollis Street, not to mention 100. She said that it is a very narrow private way and the impact on the neighborhood and her condominium group will be significant. She asked that her group be included in work with the neighbors.

Mr. Seegel said that the Board has a picture of what the neighborhood concerns are. He said that representatives from the groups will be allowed to speak at subsequent meetings as the plans develop. He said that the Board needs to get a great deal more information from the Applicant –

Mr. Seegel said that the two areas that he would like to discuss on January 18th are traffic and stormwater. He asked that the reports be submitted as soon as possible. He asked the Applicant to think about the possibility of raising the number from 20 percent to 25 percent of affordable units.

Mr. Becker said that there were some things about the application that were quite clear but when he read the material and heard the Applicant speak about his 40B experience tonight, the documents that were submitted seem to talk more about luxury apartments. He asked that the Applicant provide a list of its 40B experience. Mr. Engler said that they will provide that.

Mr. Becker said that in looking at the technical issues such as subsurface, stormwater, traffic, and construction, he said that in some sense they are separate issues but in some sense they are integral to people who will occupy and use the buildings. He said that he did not see anything in the submittal that talked about the Applicant's expectation of target market and the demographics of the people that they expect to live there. He said that it is important in the context of the technical issues.

Mr. Adams said that the plan as currently shown will have significant problems with the Building Code and site access with a 12 foot wide fire lane. He said that there is no way that the Fire Department can use a fire lane with a dead end condition that is only 12 feet wide. He said that the plan is to use mechanical means to increase the parking capabilities. He said that there are currently only two companies that are approved by the State Elevator Board for use of mechanical lift devices. He said that some of the basic things that the Applicant assumes will work, do not look like they will, so far. He said that the Applicant has a lot of time ahead to be able to figure out solutions. He said that there is no doubt that the whole Board is totally supportive of increasing affordable housing in Wellesley and can commit itself to trying to come up with a solution that does not have to be appealed, which would be a win-win for everyone.

Mr. Harrington said that the Board called for an initial deposit of \$10,000 for peer review. He said that the Town will get quotes from traffic engineers and an architectural peer reviewer. He said that the Town can do civil review in house.

Mr. Sheen said that the initial traffic report has been submitted. Mr. Seegel said that what was submitted was insufficient. Mr. Becker said that what was submitted was only five pages of conclusions. Mr. Sheen said that they will submit the two hundred pages of backup materials to that.

Mr. Becker moved and Mr. Seegel seconded the motion to continue the hearing to January 18, 2018. The Board voted unanimously to continue the hearing.

As there was no further business to come before the Board, the hearing was adjourned at 8:36 pm.

Respectfully submitted,

Lenore R. Mahoney Executive Secretary